

Buchwald, N.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE: LIBOR-BASED FINANCIAL  
INSTRUMENTS ANTITRUST LITIGATION

Master File No. 11-md-2262 (NRB)

THIS DOCUMENT RELATES TO:

METZLER INVESTMENT GmbH, et al.,

Plaintiffs,

v.

CREDIT SUISSE GROUP AG, et al.

Defendants.

No. 11-cv-2613 (NRB)

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
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**[PROPOSED] AMENDED ORDER FOR  
ENTRY OF PARTIAL FINAL  
JUDGMENT**

**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

WHEREAS, on December 20, 2016, this Court held that it has no personal jurisdiction over certain defendants and dismissed the antitrust claims against them, *see In re LIBOR-Based Fin. Instruments Antitrust Litig.*, No. 11 MD 2262 (NRB), 2016 WL 7378980, at \*1, (S.D.N.Y. Dec. 20, 2016) [ECF No. 1676] (“*LIBOR VI*”);

WHEREAS, *LIBOR VI* dismissed all of the Schwab Plaintiffs’ remaining claims on personal jurisdiction grounds, *see id.* at \*25;

WHEREAS, on March 6, 2017, the Schwab Plaintiffs requested entry of final judgment as to their actions, *see* ECF No. 1801;

WHEREAS, on April 27, 2017, this Court granted entry of final judgment as to the Schwab plaintiffs’ actions, *see* ECF No. 1877;

WHEREAS, the Exchange-Based Plaintiffs now seek entry of partial final judgment pursuant to Federal Rule of Civil Procedure 54(b) to appeal the dismissal of their antitrust claims against certain foreign bank defendants who were dismissed from the Exchange-Based Action on the same personal jurisdiction grounds, *i.e.*, all defendants named in the Exchange-Based Plaintiffs' Second Amended Consolidated Class Action Complaint, *see* ECF No.407, except those defendants against whom the Exchange-Based Plaintiffs' antitrust claims remain pending, as set out in the appendix to *LIBOR VI*, *see* 2016 WL 7378980, at \*25;<sup>1</sup>

WHEREAS, the Exchange-Based Plaintiffs seek to join the Schwab Plaintiffs' appeal to the extent that it raises the issue of personal jurisdiction;

WHEREAS, judicial efficiency would be served by permitting the Exchange-Based Plaintiffs to participate in the Schwab Plaintiffs' appeal;

WHEREAS, under these circumstances, there is no just reason for delay;

WHEREAS, the Exchange-Based Plaintiffs submitted a Proposed Order for Entry of Partial Final Judgment on June 12, 2017;

WHEREAS, the Proposed Order for Entry of Partial Final Judgment mistakenly identified ICAP plc, ICAP Europe Limited, Tullett Prebon PLC, UBS Group AG, Credit Suisse AG, DB Group Services (UK) Ltd., RBC Capital Markets LLC, and the Royal Bank of Scotland plc, as foreign bank defendants, when those entities were not named as defendants in the Exchange-Based Plaintiffs' Second Amended Consolidated Class Action Complaint, but instead

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<sup>1</sup> The foreign bank defendants include: the Royal Bank of Scotland Group plc, The Bank of Tokyo-Mitsubishi UFJ, Ltd., Coöperative Central Raiffeisen-Boerenleenbank B.A., Credit Suisse Group AG, Deutsche Bank AG, HBOS plc, HSBC Holdings PLC, HSBC Bank PLC, Lloyds Banking Group plc, Lloyds TSB Bank plc, The Norinchukin Bank, Portigon AG (f/k/a WestLB AG), Royal Bank of Canada, Société Générale S.A., UBS AG, and Westdeutsche Immobilienbank AG.


were named in subsequent proposed amended pleadings that have not been accepted by the Court; and

WHEREAS, the Court entered partial final judgment on June 13, 2017, *see* ECF No. 1971.

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED, that:

1. pursuant to Federal Rule of Civil Procedure 54(b), partial final judgment is entered dismissing the Exchange-Based Plaintiffs' antitrust claims against the foreign bank defendants identified in their Second Amended Consolidated Class Action Complaint that were dismissed on personal jurisdiction grounds for the reasons given in *LIBOR VI*; and
2. this amended partial final judgment replaces the partial final judgment entered on June 13, 2017, *see* ECF No. 1971.

Dated: New York, New York  
June 26, 2017

  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

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